

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,	)	Case No. 13-04015-01-CR-C-BP
	)	Counts 1-2:
Plaintiff,	)	16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B),
	)	18 U.S.C. § 2
v.	)	NMT 5 years and/or \$250,000
	)	Supervised Release: NMT 3 years
ANDREW ALEXANDER	)	Class D Felony
PRASKOVSKY)	
[DOB: 9/11/72]	)	<u>Forfeiture Allegations:</u>
	)	16 U.S.C. § 3374
Defendant.)	
	)	\$100 mandatory penalty assessment, Counts 1-2
)	

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1
Lacey Act Trafficking
(16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B), 18 U.S.C. § 2)

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant ANDREW ALEXANDER PRASKOVSKY (hereinafter PRASKOVSKY) was a resident of Colorado, residing in or near Erie, Colorado.
2. The American paddlefish (*Polydon spathula*), also called the Mississippi paddlefish or the spoonbill (hereinafter “paddlefish”), is a freshwater fish that is primarily found in the Mississippi River drainage system. Paddlefish eggs are marketed as caviar. Paddlefish were once common in waters throughout the Midwest. However, the global decline in other caviar sources, such as sturgeon, has led to an increased demand for paddlefish caviar. This increased

demand has led to over-fishing of paddlefish, and consequent decline of the paddlefish population.

3. Missouri law prohibits the taking, possession, purchase, sale, or import, of any wild animal, including paddlefish and paddlefish eggs, except as authorized by law. 3 CSR 10-4.110.

4. Missouri law provides that no person may take more than two paddlefish per day. 3 CSR 10-6.525(1). “Take” means, among other things, to kill or capture in any manner. 3 CSR 10-20.805(53).

5. Missouri law provides that no person may possess more than four paddlefish at any time. 3 CSR 10-6.405(3)(F).

6. Missouri law requires that a person must acquire a valid Roe Fish Dealer Permit before that person may legally buy or possess paddlefish, for the purpose of processing, transporting, shipping, or selling them. 3 CSR 10-10.728.

7. Missouri law prohibits the transportation of paddlefish eggs which have been removed or extracted from a paddlefish carcass. 3 CSR 2-6.525(5).

8. Missouri law prohibits the sale or purchase, or offer of sale or purchase, of paddlefish eggs. 3 CSR 10-6.525(5).

9. Missouri law provides that persons possessing paddlefish or paddlefish eggs that were taken by another person shall plainly label the paddlefish, or paddlefish eggs, in a way that identifies the species and provides the full name, address, and permit number of the taker and the date taken. 3 CSR 10-4.136, 3 CSR 10-4.137.

10. The Lacey Act makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish that was taken,

possessed, transported, or sold in violation of any law or regulation of any State. 16 U.S.C. § 3372(a)(2)(A).

11. On or about March 17, 2012, Defendant PRASKOVSKY contacted J.B. and mentioned that he (PRASKOVSKY) would be passing through Missouri on his way from Colorado to Kentucky, and wanted to set up future sales of female paddlefish.

12. On or about March 19, 2012, Defendant PRASKOVSKY met with J.B. to negotiate the purchase of paddlefish. Defendant PRASKOVSKY stated that he would be back in Missouri and wished to purchase paddlefish then.

13. On or about March 25, 2012, Defendant PRASKOVSKY purchased eight paddlefish from R.B. and J.B. in Warsaw, Missouri. Defendant PRASKOVSKY paid R.B. and J.B. \$900 for the eight paddlefish.

14. On or about March 26, 2012, Defendant PRASKOVSKY met with D.F. at another location in Warsaw, Missouri, and stated that he had processed all of the paddlefish that he had purchased by removing the eggs from the paddlefish carcasses. Defendant PRASKOVSKY told D.F. he had processed the paddlefish in the bathtub of his hotel room. Defendant PRASKOVSKY told D.F. that the eggs were in a cooler and ready for him to take back to his home in Colorado.

15. On or about March 26, 2012, in the Western District of Missouri and elsewhere, Defendant ANDREW ALEXANDER PRASKOVSKY knowingly engaged in conduct involving the sale and purchase, offer to sell and purchase, and intent to sell and purchase fish having a market value in excess of \$350, to wit: paddlefish eggs (*Polydon spathula*), by knowingly transporting, and causing to be transported, said fish in interstate commerce, knowing said fish were possessed and sold in violation of, and in a manner unlawful under, Missouri state law and

regulation, specifically 3 CSR 10-4.110, 10-6.405(3)(F), 3 CSR 10-4.136, 3 CSR 10-4.137, 3 CSR 10-6.525, and 3 CSR 10-10.728.

All in violation of Title 16, United States Code, Sections 3372(a)(2)(A), 3373(d)(1)(B); and Title 18, United States Code, Section 2.

COUNT 2
Lacey Act Trafficking
(16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B), 18 U.S.C. § 2)

16. The information contained in paragraphs 1 through 10 of this Indictment are re-alleged and incorporated herein.

17. On or about and between April 13, 2012, and April 14, 2012, those dates being approximate and inclusive, Defendant PRASKOVSKY had telephone conversations with J.B. about returning to Missouri to purchase paddlefish.

18. On or about April 16, 2012, Defendant PRASKOVSKY traveled to Missouri and met with J.B. and R.B. for the purpose of purchasing paddlefish. Defendant PRASKOVSKY purchased seven paddlefish from J.B. and R.B. in Warsaw, Missouri. Defendant PRASKOVSKY paid J.B. and R.B. \$750 for the seven paddlefish. During the transaction, Defendant PRASKOVSKY stated that he would be in Russia for a visit the following week, and that he always went to Russia that time of year.

19. On or about April 21, 2012, law enforcement officers learned that Defendant PRASKOVSKY had purchased an airline ticket on United Airlines Flight 902, for departure from the United States via Dulles International Airport on April 24, 2012.

20. On or about April 24, 2012, law enforcement officers discovered a white, Styrofoam container in Defendant PRASKOVSKY's luggage. Inside the Styrofoam container agents found five plastic containers containing approximately 1,215 grams of paddlefish eggs, and one plastic

bag containing approximately 711 grams of dried paddlefish eggs. Defendant PRASKOVSKY neither applied for, nor received, a valid CITES export permit to export paddlefish eggs.

21. On or about April 17, 2012, in the Western District of Missouri and elsewhere, Defendant ANDREW ALEXANDER PRASKOVSKY knowingly engaged in conduct involving the sale and purchase, offer to sell and purchase, and intent to sell and purchase fish having a market value greater than \$350, to wit: paddlefish and paddlefish eggs (*Polydon spathula*), by knowingly transporting, and attempting to export, and causing to be transported, and exported, said fish in interstate and foreign commerce, knowing said fish were possessed and sold in violation of, and in a manner unlawful under, Missouri state law and regulation, specifically 3 CSR 10-4.110, 10-6.405(3)(F), 3 CSR 10-4.136, 3 CSR 10-4.137, 3 CSR 10-6.525, and 3 CSR 10-10.728.

All in violation of Title 16, United States Code, Sections 3372(a)(2)(A), 3373(d)(1)(B); and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
16 U.S.C. § 3374(a)

1. Upon conviction of the offense alleged in Count One Defendant ANDREW ALEXANDER PRASKOVSKY shall forfeit to the United States pursuant to 16 U.S.C. §3374(a)(1) approximately eight female paddlefish, including all of the eggs from those female paddlefish.

2. In the event that any property used in any of the offenses alleged in Count One, or any property traceable to such property, as a result of any act or omission of the Defendant ANDREW ALEXANDER PRASKOVSKY:

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with a third party;

- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been co-mingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the Defendant ANDREW ALEXANDER PRASKOVSKY up to the value of the above property.

FORFEITURE ALLEGATION

16 U.S.C. § 3374(a)

1. Upon conviction of the offense alleged in Count Two Defendant ANDREW ALEXANDER PRASKOVSKY shall forfeit to the United States pursuant to 16 U.S.C. §3374(a)(1) approximately seven female paddlefish, including all of the eggs from those female paddlefish.

2. Upon conviction of the offense alleged in Count Two Defendant ANDREW ALEXANDER PRASKOVSKY shall forfeit to the United States pursuant to 16 U.S.C. § 3374(a)(2), all vessels, vehicles, and other equipment used to aid in the exporting, transporting, selling, receiving, acquiring, or purchasing of fish, in violation of Title 16, United States Code, Sections 3372 and 3373, including but not limited to, the following.

A. A 1988 Pontiac Trans Sport, bearing Colorado License Plate Number: 970 JGU, and VIN # 1GMDX03E0WD256625.

3. In the event that any property used in any of the offenses alleged in Count Two, or any property traceable to such property, as a result of any act or omission of the Defendant ANDREW ALEXANDER PRASKOVSKY:

- A. Cannot be located upon the exercise of due diligence;

- B Has been transferred or sold to, or deposited with a third party;
- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been co-mingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the Defendant ANDREW ALEXANDER PRASKOVSKY up to the value of the above property.

A TRUE BILL

/s/
FOREPERSON OF THE GRAND JURY

/s/ Lawrence E. Miller
LAWRENCE E. MILLER
ASSISTANT UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

/s/ James B. Nelson & Adam C. Cullman
JAMES B. NELSON
ADAM C. CULLMAN
TRIAL ATTORNEYS
U.S. DEPARTMENT OF JUSTICE

02/26/2013
Dated